

# **Invalid and Apparent Termination of Employment by the Employer**

## **Abstract**

This diploma thesis deals with an everlasting issue: invalid and apparent termination of employment by the employer. The text of the thesis is divided into five chapters, further segmented into subchapters, some of these consisting of even lower level chapters.

The first chapter covers the historical development of labor law and its separation from civil law into a separate branch of law with its own code. The following chapter defines the basic legal concepts, which are employment and legal transaction, as well as the invalidity and appearance of legal transactions. The second chapter also contains a reflection on the meaningfulness of the legal institute of appearance of a legal transaction. In the third chapter are analyzed specifics of the invalidity of legal transactions in labor law and the consequences of invalidity of the employment termination.

The core of the diploma thesis is formed by the fourth and fifth chapters, containing a non-exhaustive list of reasons for invalidity and apparent termination of employment by the employer and a more detailed definition of these reasons, including a thorough analysis of some contentious issues. It was also necessary to cover the ineffective delivery of a document which leads to the termination of the employment relationship, ranking among situations when a termination of employment is merely apparent.

With regard to the amendment to the Labor Code, having entered into force on 30<sup>th</sup> July 2020, both the legislation in force before the amendment and the amended legislation are listed, and the diploma thesis contains an analysis of the potential impact of the new legislation.

The conclusion of the thesis summarizes the resources used, draws attention to the demanding requirements imposed on employers if the employment is to end validly, and briefly comments on the case law discussed in the thesis, such as extensive interpretation of good morals, non-binding medical report, and the issue of using multiple reasons for employee dismissal, respectively the need to distinguish between conditional termination of employment and the mere application of several legal grounds for unilateral termination of employment by the employer.

## **Key words:**

Unfair dismissal, employment termination, employer